

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GARY GUAJARDO, *et al.*,
Plaintiffs,

v.

FREDDIE RECORDS, INC., *et al.*,
Defendants.

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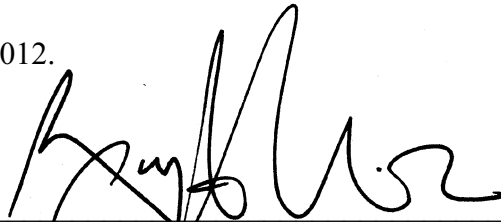
CIVIL ACTION H-10-2024

**AMENDED ORDER MODIFYING IN PART AND ADOPTING IN PART
MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

Pending before the court are the objections of the parties (Dkts. 134, 135, 138) to the Memorandum and Recommendations ("M&Rs") of the Magistrate Judge dated August 28, 2012 and August 29, 2012. (Dkts. 129, 130). Upon consideration of the objections, the plaintiffs' objections are SUSTAINED IN PART and OVERRULED IN PART. The defendants' objections are OVERRULED. The Magistrate Judge's M&Rs are AMENDED with respect to the civil conspiracy claims of the plaintiff. The court stayed only the fraudulent transfer claims, not the plaintiffs' general fraud claims. Dkt. 88. Accordingly, the defendants' motions to dismiss plaintiffs' civil conspiracy claims are GRANTED. However, plaintiffs are granted leave to amend their complaint to attempt to state a claim for civil conspiracy. In all other respects, the Magistrate Judge's M&Rs are ADOPTED and the defendants' motions to dismiss (Dkts. 91, 92, 105) are GRANTED IN PART and DENIED IN PART as detailed in the Magistrate Judge's M&Rs.

It is so ORDERED.

Signed at Houston, Texas on October 2, 2012.



Gray H. Miller
United States District Judge